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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,238	12/27/2001	Hans Johansson	15292.10	9106

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EXAMINER	
BOAKYE, ALEXANDER O	
ART UNIT	**PAPER NUMBER**
2616	
MAIL DATE	**DELIVERY MODE**
05/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/034,238	JOHANSSON ET AL.	
	Examiner	Art Unit	
	ALEXANDER BOAKYE	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-21* is/are rejected.

7)☒ Claim(s) *18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The Foreign Priority document Filed on 03/25/2002 has been received.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrenstien et al. (US Patent # 7,085,553).

Regarding claims 1 and 9, Harrenstien teaches a method of a server in connection with transmission of packet data to a wireless communication station via a wireless communication network (Fig. 1) the method comprising: transmitting, from the server (22) to the wireless communication station (30), a request for information relating to the radio transferring capabilities associated with the wireless communication station (column 5, lines 25-27); and adapting, at the server (22), the information content to be transmitted from the server to the wireless communication station based upon a response from the wireless communication station to the request (column 7, lines 1-5)

Regarding claim 2, Harrenstien teaches that the adapting comprises adapting the information content with respect to the bandwidth of the radio transferring capabilities associated with the wireless communication station, thereby facilitating a smooth transfer of the adapted information content to the wireless communication station (column 5, lines 4-15).

Regarding claims 3 and 13, Harrenstien teaches that the request for information comprises a request for the wireless communication's static radio transferring capabilities (the claimed wireless communication's static radio transferring capabilities is inherent in the client station transceiver).

Regarding claims 4 and 14, Harrenstien teaches wherein the adapting is based upon a radio access classmark of the wireless communication station received in the response (the claimed access classmark is inherent in the mobile station transceiver 32 of Harrenstien).

Regarding claims 5 and 15, Harrenstien teaches the request for information comprises a request for the wireless communication station's dynamic radio capabilitiescurrently are assigned to the wireless communication station (the claimed wireless communication station's dynamic radio capabilities are inherent in the mobile station transceiver 32 of Harrenstien).

Regarding claims 6 and 16, Harrenstien teaches that the adapting is based upon a radio priority allocated to the wireless communication station and received in the response (the claimed radio priority is inherent in the mobile station transceiver 32 of Harrenstien).

Regardinf claims 7, 17, 8, Harrenstien teaches initiating transmission of a short message to the wireless communication station using a short message service provided by the wireless communication network, wherein the request for information is provided to be included in the payload data of the short message (column 5, lines 28-32).

Regarding claim 10, Harrenstien teaches a computer-readable medium storing computer-executable components for causing a server which is operatively connected to a wireless communication network to perform the acts when the computer-executable components are run on general purpose computer included by the server (column 5,lines 4-14).

Regarding claims 11 and 21, Harrenstien teaches a server being operatively connected to a wireless communication network, the server including processing means, memory and interface circuitry means for performing the acts recited in claim 1 (the claimed processing means, memory, and interface circuitry means are inherent in server 22 of Fig. 1)

Regarding claims 12 and 19, Harrenstien teaches a method of wireless communication station in connection with reception of packet data via a wireless communication network to which the wireless station (30) is operatively associated (see Fig. 1), the method comprising: receiving, from an originator (server 22) of information, a request for information relating to the radio transferring capabilities of the wireless communication station (column 5, lines 25-27) ; and transmitting to the originator (22) a response to the request, wherein information relating the radio transferring capabilities

associated with the wireless communication station (30) is included in response (column 7, lines 1-5).

Regarding claim 20, Harrenstien teaches a computer-readable medium storing computer-executable components for causing a wireless communication station which is operatively associated with a wireless communication network to perform the acts recited in claim 12 when the computer-executable components are run on microprocessor included by the wireless communication station (column 5, lines 4-15).

Allowable Subject Matter

3. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 01/19/2007 have been fully considered but they are not persuasive.

A) At page 7, in claim 12, Applicant argued that Harrenstein fails to disclose or suggest a request from an originator of information for information relating to the radio transferring capabilities of the wireless communication station., as claimed in combination with the other claim elements.

B) In response, the examiner maintains that Harrenstein reference Figure discloses transmitting, to the originator (22) a response to the request, wherein information relating to the radio transferring capabilities associated with the wireless communication station is included in the response (column 5, lines 1-15) as claimed in claim 12.

With respect to claim 1, see the explanation set forth in claim 12 above.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Electronic Business Center (EBC)** numbers at 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner
AB
5/02/07

CHI PHAM
SUPERVISORY PATENT EXAMINER
5/7/07